**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE**

**WRIT PETITION NO.4673 OF 2004**

Jeevan Sahakar Co-op.Housing
Society Ltd. .. Petitioner
V/s
Mr.Bhailal T.Sheth .. Respondent

Mr.S.G.Surana for the Petitioner.
Mr.Y.T.John for the Respondent.

**CORAM : DR.S.RADHAKRISHNAN, J.**
**DATE : 10th November, 2006.**

**P.C.:**

1. Heard the learned Counsel for the parties. By this petition, the Petitioner is challenging the judgment and order dated 30.1.2004 whereby the Maharashtra State Co-operative Appellate Court has allowed the Appeal of the Respondent, holding thereby that the order of the learned Trial Judge passing the award for a sum of Rs.18,385/- is totally erroneous as the same was not passed on any evidence. The aforesaid judgment of the Maharashtra State Co-operative Appellate Court however does not suffer from any error or illegality. Petition is totally devoid of merits and hence stands dismissed.

2. Mr.John, the learned Counsel for the Respondent fairly states that in the event the Petitioner Society (through their Chartered Accountant) produces certified record authenticating its claim, then he would persuade his client (Respondent) to pay the legitimate dues of the Society.

**(DR.S.RADHAKRISHNAN,J.)**